

THE HON'BLE SRI JUSTICE C.V. RAMULU

Tuesday, the 19th day of June, 2007

WRIT PETITION Nos.9036 and 9396 of 1998

W.P.No.9036 of 1998

Between:-

Dr. G.B.Ramakrishna Sastry

... Petitioner

and

The State of Andhra Pradesh,
rep. by its Secretary to Government,
Education Department, Secretariat
Buildings, Hyderabad
& others

... Respondents

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W.P.Nos.9036 and 9396 of 1998

COMMON ORDER:

In both the Writ Petitions, a Mandamus is sought for declaring G.O.Ms.No.41, Education (UE) Department, dated 12-2-1998 as arbitrary, illegal, unreasonable, discriminatory and violative of Article 14 of the Constitution of India and consequently to direct the respondents to count the service rendered by the petitioners in 3rd respondent-College without reference to aided or unaided service for the purpose of fixation of their pay in the scale of pay for which he is entitled and for application and implementation of Career Advancement Scheme.

There is no necessity of going into all the details. During the pendency of Writ Petitions, the said G.O. was rescinded while passing the Andhra Pradesh Private Aided Collegiate and Technical Education Employees' (Regulation of Pay) Act,2006 (Act No.26 of 2006). In this regard, it is relevant to notice Section 3 of the said Act, which reads as under:

“3. Sanction of Grant-in-Aid at the minimum in the time scale and quantum of Grant-in-Aid extended for Automatic Advancement Scheme/Career Advancement Scheme:-

Notwithstanding anything contained in any order of the Government or any judgment of any Court or Tribunal, Grant-in-Aid may be sanctioned to a post held by an employee of Private Aided College or Institution imparting Technical Education calculated at the minimum of pay in the time scale allowed to the post and the financial liability of the Government

in respect of Automatic Advancement Scheme and Career Advancement Scheme extended to such employee shall be limited to the quantum of Grant-in-Aid sanctioned to the post.”

Under those circumstances, I am of the opinion that the petitioners may have to work out their remedies by challenging Act 26 of 2006.

Leaving liberty to the petitioners to work out their remedies as available under the law, these two Writ Petitions are closed. No costs.

19-6-2007

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